

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission		Kaua‘i Police Commission	Meeting Date	April 27, 2018
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:00 a.m.	End of Meeting: 1:10 p.m.
Present	Chair Gerald Bahouth; Vice Chair Mary K. Hertog; Members: Catherine Adams, Jonelle Jardin, Kevin Mince and Roy Morita Also present: Boards & Commissions Office Staff: Support Clerk Mercedes Omo, Administrator Nicholas R. Courson; Office of the County Attorney: Mauna Kea Trask; Police Department: Deputy Chief Michael Contrades, Assistant Chief Robert Gausepohl, Acting Assistant Chief Mark Ozaki, Lieutenant James Miller, Acting Sergeant Jason Scalzo, Officer of the Month Jason Scalzo and other ranked officers in the Kaua‘i Police Department.			
SUBJECT	DISCUSSION			ACTION
Call To Order	Prior to the start of the meeting, Administrative Assistant to the County Clerk Eddie Topenio officiated the Oath of Office for new Commissioner Jonelle Leina`ala Jardin.			Chair Bahouth called the meeting to order at 9:00 a.m. with six Commissioners present to conduct business.
Chair Comments/Announcements	Chair Bahouth welcomed new Commissioner Jardin to the Kaua‘i Police Commission and thanked her for her willingness to serve on the Commission.			
April’s Officer of the Month Joel Snyder	Acting Sergeant Jason Scalzo read the recognition for Officer of the Month Joel Snyder. Officer Snyder was recognized for his courageous act of bravery when he disregarded his own safety to check on a vehicle that was completely submerged under water to see if it was occupied. Fortunately, the vehicle was unoccupied and he was able to retrieve the license plate which allowed the assigned investigator to track down the location of the owner who was then cited for numerous violations.			
Approval of the Meeting Minutes of March 23, 2018	Chair Bahouth called for a motion to approve or amend the meeting minutes of March 23, 2018.			Vice Chair Hertog moved to approve the Open Session Meeting Minutes of March 23, 2018 as circulated. Ms. Adams seconded the motion. The motion carried 6:0.
Executive Session ES KPC 2018-012	Chair Bahouth announced that he would take the agenda out of order and allow County Attorney Mauna Kea Trask to address the Commissioners on items KPC 2018-07 and ES KPC 2018-012.			

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Trask thanked Chair Bahouth for the opportunity to address the items so he could continue to help support the officers and employees at the Emergency Management Agency.</p> <p>Prior the Mr. Trask’s presentation, Chair Bahouth announced that he received a request from Deputy Chief Contrades asking if he could recognize Employee of the Year Nancy Paliracio to which Mr. Trask agreed.</p>	
<p>Special Recognition for Employee of the Year Abandoned Vehicle Coordinator Ms. Nancy M. Paliracio</p>	<p>Acting Assistant Chief Mark Ozaki stated that Ms. Paliracio’s exceptional work ethics and dedication to her job earned her the right to be nominated as the Kaua‘i Police Department’s Employee of the Year for 2017. He shared that because Ms. Paliracio was unable to attend the ceremony on O‘ahu, he felt that the Commission’s meeting was the appropriate setting to honor Ms. Paliracio.</p> <p>Deputy Chief Michael Contrades presented her with a framed Certificate of Outstanding and Exemplary Service signed by the Honorable Mayor Bernard P. Carvalho Jr.</p> <p>Ms. Paliracio thanked all of her team members for their unwavering support because without them, she would not have been able to accomplish all that she has done.</p>	
<p>KPC 2018-07</p>	<p><u>A general update on the status of the Mark Begley v. County of Kaua‘i and Regina Kaulukukui v. County of Kaua‘i lawsuits.</u></p> <p>Mr. Trask stated that he would start by addressing Mark Begley’s case followed by Ms. Kaulukukui’s case. In regard to Mr. Begley’s case, the County of Kaua‘i has tendered a claim to its insurance company to cover the expenses incurred by the case, which they have accepted and since then have been providing representation both for the County and the officers named in the suit individually and in their official capacities.</p> <p>He referred to a public document of the second amendment to Rule 16 <u>Scheduling order</u> that was filed by the court which lays out the trial and pre-trial conference scheduling, motion deadlines, discovery deadlines, settlement, conference deadlines, trial submission, and issues relating to jury, witness, exhibits, depositions and trial briefs. He added that the court has issued a written</p>	

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	<p>determination that there were no other matters which was signed by the Honorable Judge Richard L. Pukley on April 23, 2018. With no further updates, Mr. Trask stated that he was open for questions.</p> <p>Mr. Mince explained that the reason he had asked the Chair to put the item on the agenda was a result of watching a County Council meeting where Councilmember Ross Kagawa made a statement that he’s been on the County Council for six years and that the case started two years prior to that, so why has it taken the County eight years to close the case? Councilmember Kagawa also mentioned that he didn’t think it was fair for the people of Kaua‘i to have to endure the case for so long and for the County to incur all of the expenses relating to the case. He also stated that it was not fair to Mr. Begley to have his case drawn out for so long.</p> <p>Mr. Mince added that Mr. Kagawa also made a statement to the effect that if the County was right, why Mr. Begley was still receiving a salary, and if the County was wrong, they should just fess up so everyone can move on. Councilmember Kagawa concluded by asking for a response from the Office of the County Attorney, the Department of Human Resources and the Kaua‘i Police Department as to why the case was taking so long and what has the County learned from the Begley case so in the future, cases like this will not take long and that he does not want the same thing to happen to the other cases that are still pending.</p> <p>Mr. Trask stated that he had no response to any of his questions; in fact, he didn’t have a response for Councilmember Kagawa as well. He explained that criminal and civil cases can take a very long time, and in the grand scheme of things, all circuit court and federal court cases that are long-standing will take precedence over any long-standing civil case. He quoted that <i>Justice is blind and Justice is slow</i>, but it does work; it’s just the nature of the beast which can be very unsatisfying. He stressed that he cannot comment on whether or not anything was done inappropriately, and that he does not agree with any of Councilmember Kagawa’s statements. Mr. Trask shared that all legislators enjoy the privilege of immunity for statements they make during a legislative session, and not to be critical of Councilmember Kagawa’s statements, but that is a fact. What is expressed verbally on any congressional, county and/or federal floor</p>	

SUBJECT	DISCUSSION	ACTION
	<p>should stay on the floor because that's the way it is, and, as he said before, he cannot warrant that any of Councilmember Kagawa's statements are objectively true.</p> <p>Mr. Mince stated he was led to believe that he was going to answer specific questions in executive session. Mr. Trask stated that this is not an executive session item, but if the Chair wants to put this specific item in executive session, he would be happy to address the item at the Commission's next meeting in May. In regard to how much money the County has spent on the case, its very little because the case was shouldered by the Office of the County Attorney, but as the case became more complex, the appropriate thing to do was tender to the insurance company to cover the expenses, which prompted the County to pay against its SIR in the amount of \$750,000. He added that whether the County pays for all of the expenses or the insurance company does, the County has to incur up to \$750,000 in order for the insurance company to take over.</p> <p>Mr. Mince reiterated that he was led to believe that Mr. Trask was going to answer more specific questions in executive session, but based what he's heard, that's not going to happen.</p> <p>Chair Bahouth agreed and stated that because the case has been turned over to special counsel, all privileged information regarding the case is confidential.</p> <p>To be clear, Mr. Trask added that he does not want to prohibit the Commissioners from asking questions, so if the Chair agrees to put the item on the Commission's May agenda in executive session, it would be fine with him. However, he would appreciate if the Commissioners would send him their confidential questions prior to the meeting so he can review and determine which questions he can and cannot answer. In regard to what Chair Bahouth said earlier about the case being turned over to special counsel, he's right; all information passed between the officer's attorney and the plaintiff's attorney are all deemed confidential. Chair Bahouth asked Mr. Mince if he still wanted the item on the May agenda to which Mr. Mince replied that he had to think about it.</p>	

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	<p>Mr. Mince asked, other than those two cases, if there were any other pending lawsuits that are other EEO investigations filed against the County/Kaua'i Police Department that relate to personnel issues to which Mr. Trask replied that he cannot speak to that because he doesn't know. With no further questions relating to the Begley's case, Mr. Trask stated that he'll move on to Ms. Kaulukukui's case.</p> <p>Mr. Morita asked if he could be recused because he happens to be a sitting member of the board for Life Bridges which Ms. Kaulukukui is also a member. Chair Bahouth stated to let the record reflect that Mr. Morita is recused from this item. At 9:27 a.m. Mr. Morita left the meeting room.</p> <p>Mr. Trask stated relative to Ms. Kaulukukui's case, the complaint has been filed and an answer has been filed in response to the case; therefore, he has nothing else to report aside from what the attorneys for the County have been doing to prep for the case, which he assumes that the plaintiff's attorney is doing the same. The trial is set for July 19, 2018. With no further questions, Chair Bahouth asked Vice Chair Hertog to cite the Hawai'i Revised Statutes for item ES KPC 2018-012 to bring the meeting into Executive Session. At 9:27 a.m. Mr. Morita entered the room.</p>	
ES KPC 2018-012	<p>At 9:30 a.m. Vice Chair Hertog cited <u>Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (4), the purpose of this Executive Session is for the County Attorney to provide an update on the Department's handling of public complaints and an update on the Police Union stance on an officer versus officer complaint and to consult with its attorney as to its powers, duties, privileges, immunities and or liabilities as they relate to this agenda item.</u></p> <p>Chair Bahouth called for a motion to enter into Executive Session for a briefing by County Attorney Mauna Kea Trask on item ES KPC 2018-012.</p>	<p>Vice Chair Hertog moved to enter into Executive Session. Ms. Adams seconded the motion. The motion carried 6:0. At 9:35 a.m. the Commissioners entered into Executive Session.</p>
Return to Back into Open Session	<p>At 9:50 a.m. the Commissioners reconvened in Open Session. Chair Bahouth noted for the record that Mr. Trask had to leave the meeting, but he will be on-call if the Commission needs him.</p>	
PowerPoint Presentation by	<p>Deputy Chief Contrades commented that he hopes that after the Commissioners see his presentation, they will have a broader view as to what the Department has been doing to boost its</p>	

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<p>Deputy Chief Michael Contrades on the Department's Recruitment Efforts</p>	<p>recruitment efforts, which may help the Commission with its decision on whether or not to form a Permitted Interaction Group (PIG).</p> <p>Deputy Chief Contrades' presentation provided an overview of the Department's recruitment efforts. It included a wide range of topics including, but not limited to, the three phases of KPD's ongoing recruitment efforts, the Department's challenges in terms of competing for suitable candidates statewide and on the mainland, the pay increase for the police services officer position – thanks to SHOPO – although it is not the same as what is being offered on the mainland, the Department's continued participation in the community job fairs and Career Day events held at the various high schools throughout the island, the Department's continuous recruitment efforts on the mainland, the Department's local and social media ads – including local television and radio stations, a newly-created Instagram account, and the County's Facebook page – as well as online advertisements, the Junior Police Academy, the Police Apprentice Program, the development of a comprehensive police officer prep-course, as well as the Department's endeavor to utilize policeapp.com to attract serious applicants who have to pay a one-time fee of \$20.00 to apply.</p> <p>Ms. Adams asked, relative to having a criminal justice degree as part of the steps, if the Kaua‘i Community College has such a program in place to which Deputy Chief Contrades replied no, however, the Department is partners with KCC and that the online presence is endless. The Department is about to launch a new system called V-Academy for all in-service personnel which is part of Bethel University that provides an excellent online criminal justice program.</p> <p>Chair Bahouth asked if it was possible to add another line item in the next fiscal year's budget for recruitment bonuses to which Deputy Chief Contrades replied no, because KPD had to increase its budget from \$33 million to \$36 million. Chair Bahouth asked if it was possible to use the vacant salaries to cover the bonuses to which Deputy Chief Contrades replied it's possible, but he has to see what happens at Council first before doing anything.</p>	

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	<p>Vice Chair Hertog stated that although she appreciates all of the work the Department has done to improve its recruitment efforts, the Commission would like to form a PIG to help the Department. She asked Deputy Chief Contrades if he would be willing to accept suggestions from the Commissioners that have some background in law enforcement and recruitment experience.</p> <p>Deputy Chief Contrades replied absolutely; however, the only true concern he has is that it would take a lot of time and resources away from his staff. He had hoped that his presentation would have been sufficient, but if the Commission is adamant about doing it, he doesn't have a problem. But as he said before, it's going to be very time-consuming and will take resources away from his staff.</p> <p>Vice Chair Hertog stated that she understood his concerns, but one would hope that there is going to be something better at the other end. She added that his presentation was very good, but it brought up a lot of questions like when was the last time the Department revised its written test. In regard to giving bonuses, are the bonuses given to the people for signing up or do they have to get to the Police Academy first and then receive their bonus? Some of her other concerns had to do with the fact that the Department has already loss some of its own officers to another county, so her question is what type of recruitment efforts is KPD doing to attract candidates from the other islands.</p> <p>Deputy Chief Contrades stated that KPD sent some of its own staff members to the neighbor islands to try to recruit people, but with all of the efforts being made, the one thing he felt was missing was a good social media platform. Also, to address her question about revising the written exam, both he and Assistant Chief Robert Gausepohl took it upon themselves to review the test individually and collectively. The test basically calls for reading comprehension and sentence structure/grammar, but after consoling with HR, they added a few new categories; one of which is memorization which mirrors what the other police departments have in their written test.</p>	

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	<p>Vice Chair Hertog asked if officers who transfer over to the Hawai'i Island Police Department are required to go through their Police Academy program from start to finish or are they given an abbreviated course instead. She also asked if KPD was open to having an abbreviated course to which Deputy Chief Contrades replied it has been done in the past, so it is possible; however, they need to be careful because every county/mainland police department has different requirements. For example, the use of force on Kaua'i compared to the other counties varies in a sense that when dealing with a person who is resisting, the HPD officers would use pepper spray to try to contain the person, which is farther down than what KPD would do.</p> <p>Vice Chair Hertog asked if Chief Perry himself and their peers have ever sat down to discuss at length what to do to boost your recruitment efforts and what, as a state, can you all do to improve to which Deputy Chief Contrades replied there has been a lot of back and forth discussion, but not in the sense as to what we can do as state. To be quite frank, each department is in competition with one another in the sense that if KPD had an opportunity to take someone from another police department, they would do it in a heartbeat. He shared that KPD keeps a record on why a person decides to leave the department, and the vast majority of those leaving had to do with personal issues and the high cost of living on Kaua'i.</p> <p>Ms. Jardin asked how long it takes from the time a person submits their application to the time someone from the County contacts them to get the process going to which Deputy Chief Contrades replied there is no exact timeline because HR handles all of the applications. The only thing that he could tell her as far as the timeline goes is that it could take anywhere between six to eight months to complete the entire hiring process. However, exceptions have been made where KPD would hire a person before the next recruit class even begins and have them go through the abbreviated training, and then put them to work in cellblock until the Department has enough people to start a new recruit class.</p>	

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	<p>Mr. Morita asked, besides the recruitment, what the Department is doing about retention to which Deputy Chief Contrades replied they have increased training to provide more opportunities for their staff and that the Department is about to launch its Resiliency Training Program, which is similar to what the United States Airforce has, and, thanks to SHOPO, the pay for police services officer has increased. Another retention effort is the creation of the Morale Committee which has garnered some interesting questions and concerns, and that he has gone out to speak to the staff to determine what type of issues their having and try to correct it.</p> <p>Mr. Morita asked if it was true that the Chief has the last say on whether a person makes it or not, even if that person is at the final stages of the recruitment process, and if the Chief has ever denied an applicant who made it to the very end of the hiring process to which Deputy Chief Contrades replied not that he’s aware of.</p> <p>Mr. Mince stated that although he appreciates all of the hard work the Department has done over the years to boost its recruitment efforts, nothing has changed and the vacancies seems to continue although there are variables that may have contributed to those vacancies. Furthermore, everyone has been talking about it for months but he has not seen anything being done to address the immediate concern of overtime. If it is not addressed, it can lead to officer safety issues and morale problems.</p> <p>Mr. Mince shared that when the Commission first started to work on suggestions for the goals, which, by the way, is incorporated into the Chief’s performance evaluation, the Commission made a recommendation to form a taskforce or a workgroup consisting of people from the Department of Human Resources, the Kaua‘i Police Department, Kaua‘i Community College, Workforce Development and the Police Commission to look at the overall recruiting process, such as the type of people KPD tries to recruit and what KPD is actually doing to try to recruit those individuals. Also, to dovetail to Mr. Morita’s question about retention, (as a suggestion) perhaps KPD could work with SHOPO to find a way to give people who have 25 years of service an extra 2- to 5-percent pay increase.</p>	

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	<p>Mr. Mince stated that two years ago, he mentioned something about lateral hires and all he got was a snicker response from KPD saying that they don't want to do it because they don't want to deal with someone else's problems. Deputy Chief Contrades stated that he's not sure who snickered at him (it certainly wasn't him), but KPD has taken initiatives to hire laterals over the years but it all depended on the person's background check.</p> <p>Mr. Mince stated that he knows that the Commission can only make recommendations and one of those recommendations was to form a taskforce to look at the entire spectrum of the Department's recruitment efforts - from where they go to recruit people to retaining 25-year veterans - but all he got was a sense that KPD does not want any involvement from the Police Commission.</p> <p>Deputy Chief Contrades stated to make things clear, he does not mind if the Commissioners want to get involved, and that the purpose of his presentation was to provide the Commission with information on all of the things the Department has been doing to boost its recruitment efforts. He added that if the Commissioners have any ideas beyond what was presented, to let him know. In regard to the PIG (by the way this is the first time he's hearing about a taskforce), it's not a problem, but, to be frank, it's going to consume a lot of his staff's time, and if the results are good, then it was worth the time and effort. Lastly, if the Commission feels that the Department is not covering something specific, he is open for discussion, but more so, he does not want to hear any accusations that the Department was not doing certain things.</p> <p>Mr. Mince stated, as far as he knew, no one has ever made an accusation. All the Commission was trying to do was look for ways to help improve the Department's recruiting efforts and if there were other things that could be done.</p> <p>Deputy Chief Contrades stated that their goal is to hire as many people as they can who are suitable and qualified for the job, and that the amount of officers they have today is much more than what they had in the past. When comparing the amount of vacancies they had in the past to the present, all of the past vacancies have been filled, except for the new positions KPD added</p>	

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	<p>and will continue to add.</p> <p>Chair Bahouth shared that not all of the Commissioners have gone through the last three years of understanding what KPD has been doing to recruit qualified individuals. He agrees with the Deputy that the Commission can get involved by forming a PIG, but keeping in mind that there are things the Department can and cannot do financially, and until everyone is ready to work together to find a resolution, it really boils down to money.</p> <p>Vice Chair Hertog commented she wouldn't necessarily agree with Chair Bahouth that it all boils down to money, although it is a huge part of what draws a person to want to become a police officer. For a person to want to become a police officer, it takes a special calling, especially in today's environment where officers are getting ambushed and killed, not to mention all of the crap they have to put up with on a daily basis. In regard to forming a PIG, she thinks that the Commission should ask Boards and Commissions Administrator Nicholas Courson to weigh in on it with an opinion on whether or not it's within the Commission's purview to form a PIG. It's not so much as wanting to form a taskforce; what the Commission wants to do is develop a good improvement process.</p> <p>Vice Chair Hertog pointed out that she knows it's going to take a while to come up with a good resolution, and whether the Commission decides to form a process improvement team or a PIG, at least the Commission is doing something because if not, things will remain the same.</p> <p>Also, to Mr. Morita's point that KPD will never be at 100 percent because of recruitment and people leaving for personal reasons, it wouldn't hurt to have it at 95 percent, which will decrease the overtime usage but, most importantly, give the officers more time to spend with their families. All she wants is for the Department to give the Commission an opportunity (not saying that the Department hasn't done everything it possibly can) to think outside of the box so it can come up with something the Department may want to consider. Deputy Chief Contrades reiterated that he's open for suggestions, but he does not want the Commission to rehash something the Department has already done.</p>	

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	<p>Vice Chair Hertog asked Mr. Courson, in the absence of Mr. Trask, if it's within the Commission's purview to form a PIG or process improvement team to which Mr. Courson replied that he would consider it being on the fringe of the Commission's authority and would refer to Section 11.03 a through e because he's not quite sure where it would all dovetail to. In his opinion, it would fall under the rule that states as may be necessary for the conduct of its business and the regulation matters relating to the goals and aims of the Department. But at the same time, it might imply to the Chief that the Commission wants him to do things their way, which brings it close to the section of the Charter where it states the Commission shall not interfere with the routine administrative matters - hiring is critical but it's an administrative matter and it's something that happens quite often. He added, as the Administrator for Boards and Commissions, he would advise the Commission to consult with Mr. Trask, but as an attorney himself, he would say that the Commission is close to a line it may not want to cross.</p> <p>Vice Chair Hertog asked Mr. Courson in the meantime, if it was possible for the Commission to provide the Chief with recommendations until next month when Mr. Trask is present to discuss whether or not it is within the Commission's purview per the Charter to form a PIG to which Mr. Courson replied sure, and added that the Commission is there to supervise the Chief by letting him know what the appropriate goals are, versus a PIG where the members would have to interact with the Department at the very minimum, which can be very time-consuming to collect information which may end up being just a suggestion.</p> <p>Vice Chair Hertog stated based on the Deputy's presentation, she believes that the Commission has all the information it needs. She asked if it was possible for the Commissioners to ask questions even if the Department is already doing it to which Mr. Courson replied he didn't have a problem with the Commissioners asking questions.</p> <p>Chair Bahouth stated that the Commissioners should be cautious on how it presents its recommendations to the Chief because when the time comes to do his performance review, some commissioners may hold him accountable for not completing the recommendation, which is unfair because the Chief may firmly believe that that recommendation is interfering with his</p>	

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	<p>administrative duties, so to hold him accountable in that aspect would be unfair.</p> <p>Vice Chair Hertog stated that if that's the case, then she expects the Chief to come to the Commission to say get out of his lane. It may seem that the Commission is trying to interfere and sometimes they do overstep their boundaries, but it's not because of malice; the Commission just wants help but it can't because of the Charter. Deputy Chief Contrades stated that he wouldn't call it interfering. Besides, KPD will always take any suggestions that the Commission puts forward very seriously.</p> <p>With no further comments or questions, Chair Bahouth moved on to the Chief's monthly reports.</p>	
Chief's Monthly Reports/Pertinent Updates and Announcements	<p>Deputy Chief Contrades stated other than his presentation to the County Council relating to the Department's Fiscal Year 2018-2019 budget, he had no further announcements to make.</p> <p>Chair Bahouth asked if he could give a brief overview of what was presented to Council in terms of the budget. Staff informed Chair Bahouth that the item relating to the Department's Fiscal Year Budget for 2018-2019 was at the end of the agenda, but if the Commission wanted to take the agenda out of order, he should call for a motion to that effect.</p>	<p>Vice Chair Hertog moved to take item KPC 2018-09 before item KPC 2018-04. Ms. Adams seconded the motion. The motion carried 6:0.</p>
KPC 2018-09	<p><u>Discussion on the Department's 2018-2019 Fiscal Year Budget that was presented to the County Council on Tuesday, April 3, 2018.</u></p> <p>Deputy Chief Contrades stated that the Department asked for a budget of \$36 million, reflecting an increase of roughly \$2 million from last year's budget. Outside of the salaries, the Department asked for \$380,000 for bomb squad equipment of which \$120,000 will come from the federal government's weapons of mass destruction funding to help offset the cost to the County. He shared that KPD, in partnership with Hawai'i Island Police Department and the Maui Police Department, is working on creating a new Hawai'i Inter-Island Bomb Squad. In addition, Mayor Carvalho Jr. approved the purchase of new marked units for the patrol unit, including money for new equipment and other needs.</p>	

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	<p>CIP Budget - the Department received \$6 million in bond funding for the new Kawaihau Substation; however, \$2.7 million were repurposed for what Council calls “shovel-ready projects”, which leaves \$3.3 million and not enough to build the new Kawaihau Substation. As for the remaining \$3.3 million, the Department wants to combine \$230,000 of asset forfeiture funds that was originally allocated for the KPAL facility at the Vidinha Stadium with the \$3.3 million to pay for architecture plans for the new Kawaihau Substation, and use the rest of the money to build a new training/classroom facility at the Kaua‘i Police Department’s property in Līhu‘e and to build more office space for its staff.</p>	
<p>KPC 2018-04</p>	<p><u>Discussion and possible decision-making on whether or not the Commission should form a Permitted Interaction Group to get a better understanding on how the recruitment process in the Kaua‘i Police Department works and report its findings to the Commissioners at the Commission’s next regularly scheduled monthly meeting. (Deferred on March 23, 2018)</u></p> <p>Vice Chair Hertog stated that the item is at a standstill until the Commissioners can get an opinion from Mr. Trask on whether or not the Commission can form a FIG.</p>	<p>Mr. Morita moved to defer item KPC 2018-04 to the Commission’s meeting in May. Ms. Adams seconded the motion. The motion carried 6:0.</p>
<p>KPC 2018-05</p>	<p><u>Discussion on clarifying the 2018-2019 Fiscal Year goals for the Kaua‘i Police Department and how to proceed with Chief’s evaluation.</u></p> <p>Mr. Mince asked if the departmental goals have already been set and shared with the Commissioners to which Chair Bahouth replied based on the meeting minutes of March 23, 2018, the goals have been set and shared amongst the Commissioners. Mr. Mince noted that the departmental goals he is specifically looking for would have a starting date of July 1, 2018, to which Vice Chair Hertog replied that there are a total of eight departmental goals of which seven are from the presentation that was made to Mayor Carvalho and the other goal came from some of the suggestions that were made by the Police Commission.</p> <p>Chair Bahouth clarified that the nine departmental goals that have been selected are as follows:</p> <ol style="list-style-type: none"> 1. Hold two Junior Police Academy classes and one Citizen’s Police Academy in the next fiscal year 2. Conduct traffic safety assessments for all public elementary and middle schools 	

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	<ol style="list-style-type: none"> 3. Increase OVUI enforcement by 10 percent over the Fiscal Year 2018 4. Conduct Departmental Morale Climate Assessment 5. Conduct leadership trainings for all first-line supervisors 6. Provide Enhanced Crisis Negotiator training 7. Establish policies to distribute prescriptions of Narcan to KPD police officers to protect the officers and K-9 from dangers of being exposed to fentanyl 8. Explore options regarding vacancies and recruitment (Pending) <p>Mr. Mince asked if it was possible for the Commission to get a copy of the departmental goals with a starting date of July 1, 2018, including a matrix to measure how the goals are progressing to which Vice Chair Hertog replied it shouldn't be a problem with the new records management system. Deputy Chief Contrades replied sure.</p> <p>Relative to the Chief's performance evaluation form, Mr. Mince stated that the Commission has two forms: a long form (12 month period) and a short form (semi-annual evaluation). Because the evaluation period changed from a calendar year to fiscal year submission of departmental goals and objectives, he recommends that the Commission use the long form come June 30, 2018, because it would put the Commission back on schedule and back to using the right form being done at the right timeframe which covers a 9 ½-month period. He added that because the Chief has been off for a while, it should make the evaluation easier to do; all the Commissioners need to know is how the Chief did on the interim goals from January to June 2018.</p> <p>With no further discussion, Chair Bahouth called for a motion to accept Mr. Mince's recommendation that the Commission use the long form to evaluate the Chief come June 30, 2018.</p>	<p>Ms. Adams moved to accept Mr. Mince's recommendation to use the long evaluation form to evaluate the Chief of Police come June 30, 2018. Vice Chair Hertog seconded the motion. The motion carried 6:0.</p>

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	<p>Deputy Chief Contrades provided an update on January 2018 to June 2018 departmental goals and objectives.</p> <p><u>Expansion of the Evidence Storage at KPD Headquarters by adding 973 square feet of storage space</u></p> <p>Status: Completed</p> <p><u>Provide in-service training to at least 80 of the Department's sworn officers with legal updates on the use of force while keeping at the forefront individuals with possible mental health disabilities/mental issues</u></p> <p>Status: Still being worked</p> <p><u>Construct a police dog (K9) quarantine kennel at KPD Headquarters</u></p> <p>Status: Completed</p> <p><u>Acquire a police tracking dog (K9) to assist in search and recovery of missing person</u></p> <p>Status: Completed</p> <p><u>Finalize lease and receipt of 15 new marked police vehicles</u></p> <p>Status: Completed</p> <p><u>Implement RMS Spillman-eBench Warrant interface</u></p> <p>Status: Nearing completion</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Mince asked if the implementation of the Alarm Ordinance Program has been completed to which Deputy Chief Contrades replied that the billing system has been implemented. Acting Assistant Chief Ozaki added that from what he understood, the alarm companies would not provide KPD with their list of registered owners. Assistant Chief Gausepohl added that after reviewing the filing process, KPD found that it only encourages people not to register because the fines are very costly if they do register. In an effort to fix that glitch, KPD came up with a bill (which was reviewed by their attorney) that would not penalize a person. Vice Chair Hertog asked if KPD was coming up with some type of method to get the alarm companies to hand over their list of customers or were they just going to wait until their alarms go off to see if the person is registered and if not KPD would bill them to which Assistant Chief Gausepohl replied yes.</p>	
<p>KPC 2018-06 and KPC 2018-08</p>	<p><u>Discussion and possible decision-making on revising the Kaua'i Police Commission Rules on Administrative Practice and Procedure to reflect the Intermediate Court of Appeals decision of June 2016 regarding the discipline of the chief of police, commission oversight and supervision of the chief, and a discussion on formalizing the Police Commission agendas.</u></p> <p>Mr. Mince asked Chair Bahouth if he could include item KPC 2018-08 into the discussion to which Chair Bahouth replied sure.</p> <p>Mr. Mince provided a brief history of the Commission's efforts to revise the Police Commission Rules which was adopted on January 26, 2018. He explained that the purpose of his discussion is to propose revising the rules to include language that emphasizes the Commission's oversight and supervisory responsibilities over the chief of police and an organizational chart along with an explanation on its structure and a preamble that reflects specific directions on what the Police Commission can and cannot do. Ms. Adams asked if the Commission would have to form a PIG like it did the last time the Commission revised its rules. Chair Bahouth stated that since Mr. Mince had already worked on a frame, it might be best for him to put it on paper and email it to Mercedes so she can email the Commissioners individually for review and discussion at the May meeting. Vice Chair Hertog noted that it would be appropriate to include the Chief into the discussion as well. With no further discussion, Chair Bahouth called for a motion.</p>	<p>Vice Chair Hertog moved that the Commission revise its rules to include language as presented by Mr. Mince and that he draft the language for distribution to the Commissioners via Staff for discussion at the Commission's May meeting. Ms. Adams seconded the motion. The motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Mince stated for item KPC 2018-08 that he would like to propose to have a semi-fixed agenda for every meeting so that future commissions would know the things that needed to be discussed in executive session and nothing would fall through the cracks.</p> <p>Administrator Courson explained that posting an item on the agenda is not a problem, but the Commission cannot do a catch-all agenda because each item must have a sufficient description to be considered by the Commission. However, if staff gets internal instructions or a document that clearly states this is what the Commission wants to review, staff will make sure that the item(s) are placed on the agenda.</p> <p>Chair Bahouth stated that the Commission wants to have an ongoing business item for both open and executive sessions because some items seem to recur from time to time. Mr. Mince pointed out that the Planning Commission’s agenda has long-standing items listed at the beginning of their agenda. Administrator Courson stated that if the Commission wanted to have an agenda similar to what the Planning Commission has, that wouldn’t be a problem, but under each specific item, the Commission would need to articulate what the item was for. As for tracking unfinished business, if the Commission felt things were falling between the cracks, that was something the Office of Boards and Commissions would need to work on administratively and not so much as a rule change. Furthermore, if things did fall off of the agenda, that’s because staff thought the Commission was done with the item.</p> <p>Vice Chair Hertog stated that it’s the Commissioners’ fault, not staff’s fault, for not keeping track until they all read the minutes, and by that time, the next agenda has already been posted.</p> <p>Administrator Courson stated the solution is for staff to work with the Commission or jump in if we think the item could be an ongoing issue. Chair Bahouth asked Mr. Mince if he could prepare a sample of the agenda and send it to Mercedes for distribution to the Commissioners to which Mr. Mince replied sure. Ms. Omo noted that items KPC 2018-04, KPC 2018-06, and KPC 2018-08 will remain on the agenda for continued discussion. Administrator Courson added that Chair Bahouth could call for a motion to have Mr. Mince draft a sample of the agenda for</p>	

SUBJECT	DISCUSSION	ACTION
	circulation amongst the Commissioners to which Chair Bahouth agreed and called for the motion. With no further discussion, Chair Bahouth moved on to the announcements.	Ms. Adams moved to have Mr. Mince draft a sample of the Commission’s agenda for distribution amongst the Commissioners. Vice Chair Hertog seconded the motion. The motion carried 6:0.
Announcements	Next regularly monthly meeting – 9:00 a.m. on Friday, May 25, 2018, at the Mo’ikeha Building, Meeting Room 2A/2B. Executive Session to follow. At 11:26 a.m. Chair Bahouth called for a five-minute recess.	
Executive Session ES KPC 2018-001	At 11:37 a.m. the meeting reconvened. At 11:38 a.m. Vice Chair Hertog began to cite the following Hawai‘i Revised Statutes to bring the meeting into Executive Session. Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer or employee of the County, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission’s and the County’s powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items: Monthly update by Office of Professional Standards Lieutenant James Miller on the status of the Department’s disposition on all formal notarized complaints that were filed with the Police Commission and referred to the Office of the Chief for further review. a) Confidential communication dated March 28, 2018, from Deputy Chief Michael Contrades for Chief Darryl Perry to Chair Bahouth regarding the Department’s final disposition for Notarized Complaint No. KPC 2017-006/KPD ADM 17-004.	

SUBJECT	DISCUSSION	ACTION
	b) Confidential communication dated April 6, 2018, from Assistant Chief Robert Gausepohl for Chief Darryl Perry to Chair Bahouth regarding the Department’s final disposition for Notarized Complaint No. KPC 2017-008.	
ES KPC 2018-002	Monthly update by Chief Perry or his designated representative on any significant adverse incidents/events involving personnel in the Kaua‘i Police Department that could potentially impact the County, the Police Commission and the Kaua‘i Police Department.	
KPC 2018-013	Pursuant to Hawai‘i Revised Statutes §92-4 and §92-5 (a) and (4), the purpose of this Executive Session is for the County Attorney to provide an update on the Department’s handling of public complaints and an update on the Police Union stance on an officer versus officer complaint and to consult with its attorney as to its powers, duties, privileges, immunities and/or liabilities as they relate to this agenda item.	
KPC 2018-013	New Formal Notarized Complaint No. KPC 2018-004 filed against a 911 Dispatcher in the Kaua‘i Police Department. The complainant alleges conduct unbecoming of a 911 Dispatcher. Fearful for her safety as well for other motorists, the complainant alleges that the 911 Dispatcher did not send an officer to help the complainant to the location where her vehicle stalled.	
KPC 2018-014	New Formal Notarized Complaint No. KPC 2018-005 filed against an officer in the Kaua‘i Police Department. The complainant alleges conduct unbecoming of a police officer. In an attempt to serve a temporary restraining order to the complainant, the officer told her son that he would bust down the complainant’s door and arrest the complainant if she did not answer the door.	
KPC 2018-015	New Formal Notarized Complaint No. KPC 2018-006 filed against an officer in the Kaua‘i Police Department. The complainant alleges misconduct in the investigation of an unattended death.	
KPC 2018-016	New Formal Notarized Complaint No. KPC 2018-007 filed against an officer in the Kaua‘i Police Department. The complainant alleges that she and members of her family were forced to leave their family-owned property without a signed warrant and was threatened by the officer that they would be arrested if they return to the property.	

SUBJECT	DISCUSSION	ACTION
ES KPC 2018-017	<p>Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session meeting minutes of March 23, 2018, and to consult with its attorney on issues pertaining to the Commission’s powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</p> <p>Chair Bahouth called for a motion to enter into Executive Session.</p>	<p>Ms. Adams moved to enter into Executive Session. Vice Chair Hertog seconded the motion. The motion carried 6:0. At 11:26 a.m. the Commissioners entered into Executive Session.</p>
Return to Open Session to ratify the actions taken in Executive Session	<p>At 1:10 p.m. the Commissioners reconvened in Open Session. Chair Bahouth noted that Ms. Adams had to leave the meeting, then called for a motion to ratify the actions taken in Executive Session.</p>	<p>Vice Chair Hertog moved to ratify the actions taken in Executive Session. Mr. Morita seconded the motion. The motion carried 5:0.</p> <p>ES KPC 2018-001: Motion carried 6:0 to receive the communications dated March 28, 2018, and April 6, 2018.</p> <p>ES KPC 2018-002: No report</p> <p>ES KPC 2018-012: The Commissioners received a briefing by County Attorney Mauna Kea Trask.</p> <p>ES KPC 2018-013: Motion carried 6:0 to defer the item to the Commission’s meeting in May.</p>

SUBJECT	DISCUSSION	ACTION
		<p>ES KPC 2018-014: Motion carried 6:0 not to consider the complaint; notify the complainant by letter that the complaint was written as a third-party complaint.</p> <p>ES KPC 2018-015: Motion carried 6:0 to defer to the Commission’s meeting in May.</p> <p>ES KPC 2018-016: Motion carried 6:0 to defer to the Commission’s meeting in May.</p> <p>ES KPC 2018-017: Motion carried 5:0 to approve the Executive Session meeting minutes of March 23, 2018 as amended</p>
Adjournment	Chair Bahouth called for a motion to adjourn the meeting.	<p>Vice Chair Hertog moved to adjourn the meeting. Mr. Morita seconded the motion. The motion carried 5:0. At 1:10 p.m. the meeting adjourned.</p>

Kaua'i Police Commission
Regular Open Session Meeting Minutes of
April 27, 2018.

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Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Mary K. Hertog, Vice Chair

☒ Approved as circulated on May 25, 2018

☐ Approved as amended. See minutes of _____ meeting.